

original  
Court  
Copy

## PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Northern DISTRICT OF TEXAS  
Dallas DIVISIONPhillip B. Ashdown #48934

Plaintiff's Name and ID Number

Denton County Jail

Place of Confinement

319 - CV 0106 - B  
CASE NO.

(Clerk will assign the number)

TEXAS DISTRICT COURT  
NORTHERN DISTRICT OF TX  
SEP 19 2019 AM 14 PM 12:19  
NO FEE FILED

v. Denton County, D.C.S.O, D.C.C.H+  
127 N Woodrow Ln  
Denton, TX 76205

Defendant's Name and Address

Denton County Jail D.C.S.O.  
127 N Woodrow Ln Denton TX 76205

Defendant's Name and Address

Sheriff Tracy Murphy D.C.S.O.

Defendant's Name and Address

(DO NOT USE "ET AL.") [See cont pages 3, 3(a) & 3(b)]

## INSTRUCTIONS - READ CAREFULLY

## NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment?  YES  NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2011

2. Parties to previous lawsuit:

Plaintiff(s) Phillip B. Ashdown

Defendant(s) Prison Health Svcs et. al

3. Court: (If federal, name the district; if state, name the county.) Northern dist of Nevada

4. Cause number: 3:11-cv-00833

5. Name of judge to whom case was assigned: Judge Larry Hicks

6. Disposition: (Was the case dismissed, appealed, still pending?) Settled out of court

7. Approximate date of disposition: 2014-2015

II. PLACE OF PRESENT CONFINEMENT: Denton County Jail 127 N. Woodrow in Denton, TX 76205

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?  YES  NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

(See exhibits #1 & 2)

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Phillip B. Ashdown # 48934

Denton County Jail God#(1) 127 N. Woodrow in  
Denton, TX 76205

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

(1)

Defendant #1: Denton County, Texas. (County Rangers)  
Ignored my requests for help over assault on me by staff

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Established & implemented policies & procedures at D.C.S.O. that Caused  
violations of my 8th amendment constitutional rights

(2)

Defendant #2: Denton County Jail 127 N. Woodrow in  
Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Allowed its officers to assault me in a wheelchair  
by implementing unconstitutional procedures & policies

(3)

Defendant #3: Denton County D. H. Paul Johnson

Violated my 8th & 14th constitutional rights by obstructing Justice &  
Failing to render aid when crimes were done against me.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refused to aid in upholding my 14th amendment rights

(4)

Defendant #4: Denton County Correctional Health

(Jail Medical dept) 127 N. Woodrow in Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Violated My 8th, and 14th amendment rights by deliberately  
Indifference in multiple ways causing permanent injury to me.

(5)

Defendant #5: Sheriff Tracy Murphy - Sheriff  
127 N. Woodrow in Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failed to respond and render aid to my pleas for due process and  
equal protection in violation to my 14th amendment 8th  
rights & refused to stop the abuses I was continually  
being subjected to by his D.C.S.O. staff & his D.C.C.H.  
medical departments deliberate Indifference resulting  
in violations of my rights & permanent physical injury  
because of his failure to act & obstruction of justice

(6)

## Parties to this suit Cont'd

- ⑥ Defendant #6: Chief Deputy Lawyer violated my 8<sup>th</sup> & 14<sup>th</sup> amendment rights by obstructing justice in his failure to provide equal protection to me for me to have a formal Police report filed against the off duty officer who assaulted me so I could present it to the D.A. for Grand Jury prosecution by allowing deliberate indifference.
- ⑦ Defendant #7: D.O. LT. Alambar refused also to allow me to have a patrol officer to come in off the streets & file a report for me in violation of my 8<sup>th</sup> & 14<sup>th</sup> amendment rights (obstruction) and refused to provide me with names of all patrols who assaulted me & video tape.
- ⑧ Defendant #8: D.O. Ethan Keith (d.o.) violated my 8<sup>th</sup> & 14<sup>th</sup> amendment rights by assaulting me via use of excessive force by ripping me out of my wheelchair & hitting my face open & rupturing my ear drum resulting in permanent physical injury.
- ⑨ Defendant #9: D.O. Rothwald (d.o.) also assaulted me via excessive force, failed also to stop the assault by his fellow officer resulting in violations of my 8<sup>th</sup> & 14<sup>th</sup> rights resulting in permanent physical injury, Criminal negligence causing harm.
- ⑩ Defendant #10: D.O. McSitz (cpl) violated my 8<sup>th</sup> & 14<sup>th</sup> Amendment rights by failing to stop the assault against me while in control of the D.O.'s that came in and used excessive force upon me resulting in permanent physical injury to my jaw, face, and right ear (ruptured ear drum).

## Parties to this suit Cont'd

- ① Defendant #11: D.O. Curly (Sol?) Failed to stop the excessive force attack from me as he filmed my cell mate denied me medical aid at medical in violation of my 3<sup>rd</sup> & 14<sup>th</sup> amendment rights & was also responsible for the assault against me causing physical injury.
- ② Defendant #12: Nurse Jane Sol violated my 3<sup>rd</sup> amendment rights by refusing me the urgent emergency medical care I needed of stitches in my chin & medical care for my ruptured ear drum resulting in permanent hearing loss & injury.
- ③ Defendant #13: D.C.C. H. Director Matt Richardson Failed to respond to my grievances or render aid in any less for medical help due to the deliberate indifference to my serious medical needs by his staff in putting in my continual Wanton Pain & suffering.
- ④ Defendant #14: D.C.C. H. Chief Medical Officer M.A. Sanders Failed to stop the 3<sup>rd</sup> & 14<sup>th</sup> amendment violations by his doctors & staff of continual deliberate indifference denying me to see him, implemented policies & procedures that resulted in unnecessary & wanton infliction of pain & suffering due to his failure to act.
- ⑤ Defendant #15: John Kissenger (Captain of Medical) Violated my 3<sup>rd</sup> & 14<sup>th</sup> amendment rights to be free from deliberate indifference to my serious medical needs by failing to provide proper & effective care for me for the injuries his fellow D.C.C. cops inflicted on me & implemented & enforced policies & procedures that

Case 4:18-cv-00056-JHE Document 3 Filed 01/14/19 Page 6 of 14 Page ID #: 9  
Isolated my right to be free from pain & suffering because of continual denial of proper care and proper previously prescribed medication for my chronic Severe neurological disability by Tabbetree to all

- (16) Defendant # 16: Dr. Marly Buchanan has violated my 8<sup>th</sup> & 14<sup>th</sup> rights by failing to properly care for me, denies me my necessary proper Medications and refuses (John Kissinger) to provide me with help to fix wheelchair problems on my personal Chair, denies me Medication refills for long periods of time, refuses to aid me resulting in permanent physical injury.
- (17) Defendant # 17: Mrs. Edgar Constantly violates my 8<sup>th</sup> & 14<sup>th</sup> Amendment rights by being deliberately indifferent to my serious medical needs by interfering w/ my obtaining of necessary medications, caused my prosthetic tube to be broken resulting in my inability to walk resulting in severe atrophy & muscular damage & injury.
- (18) Defendant # 18: Sgt. Gourley - Longingly handled w/ excessive force my stoma tube causing severe damage to it & stole my Black leg brace w/ metal bars in them by failing to follow his required policies and procedures resulting in damage to my tubes & equipment and a few hours of my life & 3 days of my freedom of my rights of Plaintiff # 19. J.C. Boggs (PL) failed to also follow his proper rules & regulations resulting in the breaking of my stoma tube in violation of my 8<sup>th</sup> & 14<sup>th</sup> Amendment rights causing permanent injury physically due to severe atrophy to my muscles for inability to walk.
- (19) Defendant # 20: Denton County Administration Violation to my 8<sup>th</sup> & 14<sup>th</sup> Amendment rights by implementing & practicing unconstitutional policies & procedures, failing to act or render aid via their corrupt & broken & ineffective grievance system, failing to properly train their officers, supervise them, prevent negligence

Case 4:09-cv-00089 Document 10-1 Filed 01/14/10 Page 10 of 114 PageID #: 10  
or lost their individual detentions and medical officers which has resulted in permanent physical injury to me.

8th & 14th amendments.)

- (21) Defendant # 21: Denton County Correctional Health has failed to stop the unconstitutional acts of deliberate indifference by its improperly trained & supervised staff and implements unlawful practices & procedures resulting in my harm.
- (22) Defendant # 22: Chief Deputy of Law and Order Stockery violated my 14th amendment rights by obstructing justice denying my equal protection rights to have a police report filed up the chain of his officers that assaulted me <sup>by excessive force</sup>.
- (23) Defendant # 23: Mail room supervisor D.O. G. Karakashian violated my 1st & 14th amendment rights by interfering & denying my ability to freely access the Courts and properly serve my defendant in suits & denied my inmate medical & money account charges <sup>by illegal practices</sup>.
- (24) Defendant # 24: Admin Specialist Kornbacker violated my 14th & 8th amendment rights by failing to act to stop corruptive administration fraud upon my
- (25) Defendant # 25: D.O. Kerbeck in mail room failed to act to prevent or stop hindrances of my mail and access to the Courts in violation of my 1st & 14th amendment rights.
- (26) Defendant # 26: Captain Michael Tyrell violated my 8th & 14th amendment rights by failing to act to stop the denial of my equal protection rights to have a patrol officer come in and file a police report for me for the assault against me by his detention officers and also obstructed justice for me by helping to keep information from me of defendants names in violation of my 8th, 10th, & 14th amendment rights.

(31)

and helped to hinder & prevent a real investigation to be done to expose the excessive force illegal & abuse assault against me and denied me the 14<sup>th</sup> amendment rights to proper due process and equal protection by refusing to cross file charges against this corrupt detention officers that clearly broke his own rules & regulations and implemented & practiced unconstitutional policies that violated my equal protection rights.

(27) Defendant #27: Sergeant Coats violated my 8<sup>th</sup> & 14<sup>th</sup> amendment rights by failing to act and properly afford me equal protection and have a police report taken and filed for me for the assault against me by his detention officers and denied me my 8<sup>th</sup> & 14<sup>th</sup> amendment rights by refusing to "cross file" charges on the officers that assaulted me and violated my rights by obstructing justice sought by a victim (disabled pre-trial detainee in a wheelchair) in violation of 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup> & 14<sup>th</sup> amendments.

(28) Defendant #28 Texas Ranger Clair Barnes violated my 8<sup>th</sup>, 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> amendment rights by aiding in obstruction of justice along with Chief Conner, Sheriff Tracy Murphy, Lt. Michael Tutt, Chief Deputy

dwayne Dockery, Sgt Coats, Sgt Youlley,  
and the D.C.S.O investigation dept in the  
cover up and prevention of filing an official  
Police report to present to a grand jury &  
the D.A.'s office for the formal prosecution  
of the 4 officers that illegally and Unconsti-  
tutionally assaulted me (a newly ampu-  
tated disabled pre-trial detainee) by way  
of unnecessary & unwarranted expressive  
and abusive force. He also has failed to  
act to help me obtain the necessary video  
footage of said incident on 3/2/18 in conff-  
rady to cover up said crime w/ Chief  
Cawen & Chief Dockery & Tracy Murphy.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

This 42 U.S.C.A. § 1983 Civil Rights Lawsuit is being filed against defendants #1 - 28 (See pages 3 - 37) for continuing violations of Civil Rights, under Amendments 1st, 4th, 5th, 8th, and 14th for unlawful, excessive force assault upon a disabled, newly amputated, pre-trial detainee by unwarranted and unnecessary use of excessive force resulting in permanent physical injury, continued acts (Contd on 4A, 4B)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Request relief of \$4,000,000.00 for the permanent physical injuries I have (contd 4B)

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Phillip B. Ashdown, Phillip Bryan Ashdown

- B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ#00780499 FBI#852992 VA5

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES  NO

- B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A YES  NO

Statement of Claim Cont'd I  
of failure to render help to stop abuses,  
Obstruction of justice, Failure to uphold  
my 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 8<sup>th</sup> & 14<sup>th</sup>, 15<sup>th</sup> amendment  
rights to equal protection & due process &  
Evidence obtainment, Conspiracy to cover  
up an assault upon an inmate, Denial of  
necessary emergency medical care needed  
because of the illegal assault upon me by  
D.C.S.O. Staff, denial of proper medical care,  
medical negligence, deliberate indifference  
to my serious medical needs, denial of proper  
previously prescribed medications to control  
severe spastic shaking due to my chronic  
neurological disability, failure to act to  
stop deliberate indifference resulting in the  
unnecessary & wanton infliction of pain &  
suffering in violation of my 3<sup>rd</sup>, 8<sup>th</sup>, 14<sup>th</sup> amend-  
ment rights, theft and destruction of my  
personal (medically necessary) medical property  
of stump tubes & black Velcro leg braces, refusal  
to stop interfering in proper & necessary distribu-  
tion of prescribed medication, denial of proper and  
unimpeded access to the courts and mail, denial  
of requested video evidence, denial of allowance to  
receive information on defendants, refusal to up-  
hold my 14<sup>th</sup> amendment rights to equal protection  
to have a formal police report filed and present-  
ed to a grand jury for indictment and full  
4(A)

prosecution of the 4 officers who unlawfully and unconstitutionally assaulted me as a disabled pre-trial detainee - inmate). (1) refusal to replace the personal property of mine they broke and stole from me in clear violation of their own rules, regulations, policies and procedures. (2) failure of them to provide me with outside necessary medical care needed due to 50% loss of my hearing due to the deliberate indifference to my serious medical needs, (3) criminal negligence resulting in the permanent physical injury to my face, jaw, ears, residual limbs, hands, back. (4) failure to prevent hindrances in my grievance processes (5) failure of medical assistance to maintain my wheelchair (6) denial of my proper ability to finish the grievance process on all levels because of violating their own rules and regulations. (7) illegal administrative fraud upon my inmate money act by charging me for medications and care I am not receiving (8) obstruction of my ability to have federal authorities to come help me. (9) obstruction of justice (10) denial of necessary medications (11) refusal of needed assistance in obtaining prosthetic assistance & access in violation of my (4B) 8<sup>th</sup> & 14<sup>th</sup> amendment rights.

Relief VII Cont'd

suffered due to the unlawful and unconstitutional, abusive assault on me as well as for the mental anguish and psychological injuries I now continue to suffer due to said assault on me. I request the Courts intervention to assist me in the obtaining of Justice by the formal charges of assault being filed upon the 4 officers responsible for the excessive force upon me resulting in assault by Criminal negligence and the formal prosecution and indictment for said crime and (3) I request \$20,000.00 in punitive and compensatory damages from each defendant in individual capacity and official capacity for the violations of my constitutional rights by them because of Criminal acts, negligence, deliberate indifference, medical negligence, official opposition, failure to act, denial of proper care & treatment, administrative fraud, denial of due process & equal protection, and obstruction of justice (4) I also seek injunctive relief of federal intervention by Dept of Justice Full investigation & oversight of the unlawful practices & procedures, policies and abusive treatment of Denton County Jail pre-trial detainees & inmates to prevent any further harm to me,

Relief VI Cont'd

- ⑥ I request T. P. O. assistance and order for immediate issuance of all my proper necessary previously prescribed Neurological medications.
- ⑦ I request immediate replacement of the stump tubes they broke of mine. ⑧ I request the immediate replacement of the black Velcro leg braces w/ bars in them they stole from me to prevent knee pull back. ⑨ I request all the reversal of medical charges placed on me by administrative fraud. ⑩ I request immediate T. P. O. help in getting the proper outside medical care and help for my hearing loss caused by the unlawful assault on me by D.C.S.O. staff defendants and ⑪ I request the Federal Marshalls to be sent here to prosecute & arrest all ranking officials that have worked in concert-conspiracy to obstruct, allow, cover-up, and hinder this plea of mine to obtain justice for the abusive illegal assault upon me as a disabled pre-trial detainee & charge them all accordingly with Criminal charges.

Thank you.

C. Has any court ever warned or notified you that sanctions could be imposed? N/A YES  NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.  
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date warning was issued: N/A

Executed on: 1/14/19  
DATE

Phillip B. Ashdown

P. Ash

(Signature of Plaintiff)

#### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Fourth day of January, 20 19.  
(Day) (month) (year)

Phillip B. Ashdown

P. Ash

(Signature of Plaintiff)

**WARNING:** Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Exhibit #1

\*D.G.S.O.\*

Final  
Grievance  
Answers.

- A) Resolved
- B) Hybridized } 1st & 8th
- C) abandoned } 9 & 14th
- D) Denied by Admin Fraud Violations

Exhibit #1

If an inmate feels that his or her complaint has not been satisfactorily resolved through informal means, the inmate should submit a written statement of the complaint to the Grievance Officer through the electronic grievance system... If there is a matter that needs to be addressed on an emergency basis, write "emergency" at the top of the content of the grievance. You may also contact the Shift Supervisor immediately. It will be directed to the Jail Administrator. The Jail Administrator shall have sole discretion in determining whether the matter needs to be addressed as an emergency. All requests will be reviewed. There will be no reprisals taken against any Inmate for the filing of a grievance.

Grievances and Appeals must be clearly stated and in writing. The grievance should include the specific dates, times, names of those involved and the detailed specific allegations (who, what, when, where, why, and how).

There can only be ONE ISSUE per grievance filed. If the grievance does not meet the above criteria of a grievance, or does not contain the specific information of the grievance, or contains more than one grievance, it will be closed administratively.

A grievance is considered exhausted when an inmate timely files appeal at every level.

#### GENERAL GRIEVANCES

All General grievances will be referred to the inmate Jail Grievance Board. The Jail Grievance Board will determine whether the grievance meets the criteria of a grievance.

The Jail Grievance Board will, within 15 days of receipt of the grievance, notify the inmate in writing of: the action taken, the reason for the particular action, what, if any, time limits apply to the action, what, if anything, needs to be done by the grieving inmate, or provide an interim response that the matter is being looked into.

If you are not satisfied with the decision of the Grievance Board, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Jail Administrator (Assistant Chief Deputy). To do so you will need to:

1. Submit a written statement electronically on the kiosks in the appeal section, requesting appellate review of the decision together with a reference to the initial grievance dates , times and information.
2. Indicate the specific reasons the inmate believes the decision of the Grievance Board should be reversed, giving specific dates, times, names of those involved, and specific allegations.

The Assistant Chief Deputy will review the grievance and either confirm or deny it. If the Assistant Chief Deputy confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 15 days of the initial written appeal.

If you are not satisfied with the decision of the Jail Administrator, you have 3 days in which to appeal (in writing) to the Chief Deputy. The Chief Deputy will review the grievance and either confirm or deny it. If the Chief Deputy confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 20 days of the second written appeal.

*1st Level*

*2nd Level*

*3rd Level*

The decision of the Chief Deputy is final in General Grievances.

In all cases the final response will be given within 60 days

~~2nd Chief Caver 3rd Level filled~~ ~~Handbook page # 11~~

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

✓ it  
out!!

Name Philly AshdownSO # 46934Location Pod # 11

Date Submitted

11/28/18 18G-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

~~There is too a 3rd level grievance check your pg 11 of the inmate handbook~~  
~~that says S.T.R. And yours "Information 300012"~~  
~~that says D.C.S.O. was awarded \$13.05 for~~  
~~your knee splinting (BLACK Velcro knee brace w/ metal bars in them) IT IS A FIGHT OUT~~  
~~J.R. THASF M:55:1G / STOLEN / LOST~~  
~~Knee splinting w/ the metal bars in them~~  
~~were BILLED TO ME) in January at PRESPECTOR~~  
~~HOSPITAL Before I LEFT THE~~  
~~HOSPITAL. I Then was sent to SELECT REHABILITA~~  
~~TION HOSPITAL on 2/16/18 where I was given~~  
~~(B) MY STUMP TUBES by Katie of alliance orthopedic &~~  
~~orthotics CO. LLC - So you're D.C.S.O. Wasn't informed~~  
~~for those either. Whoever is telling you these~~

Inmate Signature

Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Inmate Ashdown, Asst. Chief Deputy Caver has already answered your appeal appropriately based on the information we have obtained. Your appeal is denied and is administratively closed.

Chief Deputy Dewayne Dockery 11-29-2018 12:51pm

**DENIED**



~~3rd level grievances for theft of my BLACK  
Velco leg Braces w/ Bars in them~~

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

~~Not my White PLASTIC Stump tubes~~

Name Phillip Ashdown

SO # 48934

Location Pod # 11

Date Submitted

11/21/18 18G-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

~~Presbyterian Hospital~~  
~~is in Denton on I-35 & Scripture st. The Staff~~  
~~there added it to my hospital bill and you~~  
~~either (1) Tell you what they costed me or (2)~~  
~~get you another pair to bring to ME.~~

~~I need those replaced because my knee muscles~~  
~~are already pulling back & I need them to keep~~  
~~my muscles from sticking that way so~~  
~~can properly stand up straight when I do get my~~  
~~prosthetics~~

~~Your staff caused the loss of my BLACK, 3 Velcro~~  
~~strapped Neoprene Leg Knee braces and you~~  
~~need to just buying to get out of it" & MAN UP!!~~  
~~and just get them replaced its not difficult!!~~  
~~Call Presbyterian Hospital & get me another pair~~

Inmate Signature

7/20/18

Page 5 of 5

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

"I do suggest you replace them or get fixed for Theft"

Inmate Ashdown, first of all, there is no 3rd level grievance with the DCSO. In summary, we have no knowledge of the location of your knee immobilizers that you were issued. They were invoiced to us at \$75.65, not to you. Mr. Sheppard asserts they were a temporary bridge and their usefulness was superseded once you were provided with the Flo-Tech devices. Furthermore, the Flo-Tech devices are no longer necessary, according to Mr. Sheppard, and they were never intended to be ambulated in, and you have been instructed of this by Mr. Sheppard, John Kissinger and Dr. Buchanan). By your own admission, you continue to walk in the Flo-Tech tubes, which causes damage to them as a result. According to Mr. Sheppard, he has been in adequate communication with you. Mr. Sheppard has not been informed you have been awarded any grant for prosthetics. Mr. Sheppard also reports he sees no medical need to follow-up with you presently. Mr. Sheppard is willing to fit you for prosthetics if a grant were to be awarded. This issue is closed administratively.

FALSE

False your staff Broke them

Asst. Chief Deputy Barry Caver 11-28-2018 3:14pm

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

Name Philly Ashdown SO # 48934  
Location Pod #11 Date Submitted 11/10/18 18G-2087

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*My 1st & 2nd levels of this grievance were long ago file visitation ticket  
that your crooked electronic system is blocking  
me from a 3rd level appeal so I am done  
using your unlawful electronic system to  
request relief. You are in violation of my  
1st amendment rights to due process &  
equal protection and my 8th amendment  
right to be free of unlawful acts & abuse.  
Our officer was not "trying to help me"  
in any way so your 2nd level appeal answer  
to this grievance is completely ludicrous and  
unacceptable & per actions of giving me an  
11 hour bunk restriction for something; D.A.R.  
that MANY OTHER INMATES did but*

Inmate Signature P. Ashdown

Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

As per the Inmate Handbook, here is no 3rd level grievance. This is administratively closed.

Asst. Chief Deputy Barry Caver 11-14-2018 10:31am

*FALSE*

*SEE Page 11 of 23 in  
Inmate Handbook.*

*2nd level denial of access to courts / law library  
Complaint forms.*

DENTON COUNTY DETENTION FACILITY

To: Jail Administrator INMATE GRIEVANCE FORM *1st amendment  
Violation*

Name Phillip Ashdown

SO # 48934

Location Pod #11

Date Submitted 10/26/18 18G-2073

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*Your first level grievance answer is wrong and it is a blatant  
continual violation of my 1st Amendment  
rights & 14th Amendment rights to due process  
and unimpeded proper access to the courts  
and proper readily available law library  
Standards of access to legal forms / grievance  
forms in direct violation of Federal law.  
Your law library is supposed to have readily  
available to us (any) legal form we may need  
when acting for P.O. - S.C. - a 42 U.S.C. § 1983  
Complaint form is a federal Grievance form.  
I should draft just as Mr. Herndon also pointed  
out to you, have to "file a grievance" just to  
be able to get a grievance form. That's your  
Inmate Signature P. Ashdown Page 1 of 2*

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

This issue has been resolved. The forms have been located and printed out for you. The Form for the inmate trust will have to be done through the Comptroller.

10/29/18 Sgt. Cordell

*X GOVERNOR*

*Please see Sheriff Deputy*  
**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name Phillip Anderson SO # 48934  
Location Pod H 21 Date Submitted 10/24/18 18G-1918-<sup>18G</sup>  
18G-2013

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*This is not fair for  
you to Not allow the Sheriff to  
hear my 4th level. When I filed  
my original grievance there was a 4th  
level Sheriff level for resolution & you  
denying me my due process and obstructing  
justice by not telling Mr. Murphy know  
what your staff has done now my grievance  
is denied*

Inmate Signature

*P. Anderson*

Page 1 of 1

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*No answer given*

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

Name Phillip Ashdown

SO # 48934

Location Pod # 11

Date Submitted

10/6/18

186-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

I was wearing my black velcro leg braces with the bars in them because w/out them my legs pull back which cause me to possibly not be able to walk in my prosthetics properly so I have to have them for occasional use to train my muscles & tendons. I have had these braces on my leg since I have been here in main jail medical pre-total one leg \$A, S-1-L Pod #11. I came into Pod #11 on 4/19/18 and after putting all my papers & stuff in my locker and my "stuff" tybeis next to my locker I had my room in my locker for my black velcro leg braces and was not allowed to sit them and the leftover irrigation container next to my locker. I was told to have them put into my property and to notify property on the ticket which I did on 4/19/18 (the day I arrived in Pod #11). On 6/20/18 I was

Inmate Signature P. Ashdown

Page 1 of 5

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Never Answered  
By Medical or  
D.C.S.O. Staff

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

Name

Philly Ashdown

SO #

48934

Location

Pod #11

Date Submitted

10/01/18

18G-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

~~fair through Allegiance orthotics and prosthetics company who I and John Kissinger work with in regards to my prosthetic care while here in your jail.~~

~~It is not my doing that has caused this loss of my prosthetic leg braces w/ the bars in them. Be what is right, own up to your mistakes and obtain replacements for my missing property so my legs stop pulling backwards which is going to result in permanent harm to me soon.~~

~~You lost my stuff now replace it. It's not my fault you don't keep video footage records (which you claim are gone in 7-30 days).~~

~~This could have been avoided if Sgt. Mayrley would have~~

Inmate Signature

P. Ashdown

Page 5 of 5

done his job.

### GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Inmate Ashdown, I have instructed my staff to search for your black leg braces. To this point in time, nobody can locate them or have any idea where they are. I have checked with John Kissinger in Medical and he states their records indicate the braces were no longer usable and should not have been used in the manner in which you were using them by walking on them. Nobody has stolen them from you. In research of your medical records, the doctor that first prescribed the braces as a temporary aide to be used for the first couple of weeks after your amputation. The doctors do not suggest they are needed or should be replaced. Your appeal is denied.

Asst Chief Barry Caver 10-09-2018 10:19am

186-1884

10/06/18

Sworn affidavit

This is the sworn affidavit of

Nathan Ellington # 173763, and

I hereby verify that I was here in Pod #11 when Phillip Ashdown came into this pod or was here with him while he was in Pod #11 and seen that he had both of his Prosthetic tubes and (2) his black foam and Velcro leg braces with the metal bars in them that kept his legs straight.

He had no room in his locker for them and properly would not hold them for him so he had to put them in a clear trash bag with his name on it along with a urination container and store them in the Pod #11 medical room 4/19/18 - 6/20/18 to 7-17-18.

This is where they were until he was removed from Pod # 11 on 7-17-18.

Nathan Ellington 173763

10/06/18

(18)

10/06/18

## Sworn affidavit

This is the sworn affidavit of  
Jose Martinez Solorza # 211552, and  
I hereby verify that I was here in  
Pod #11 when Phillip Ashdown came  
into this Pod with both his prosthetic  
tubes and his black foam and  
Velcro leg braces with the metal  
bars in them that kept his legs  
strait.

He had no room in his locker for  
them and property would not hold  
them for him so he had to put them  
in a clear trash bag with his name  
on it along with a urination  
container and store them in the  
Pod #11 medical room. 6/19/18 - 6/20/18  
This is where they sat until he  
was removed from pod #11 on 7/17/18.

Jose Martinez

10/06/18

(19)

186-1884

10/06/18

Sworn Affidavit

This is the Sworn affidavit of:

Crisawn Barrett #206818

I hereby verify that I was in Pod #11 where Phillip Ashdown came into this pod with both his prosthetic tibbles and ② his black foam and Velcro leg braces with the metal bars in them that kept his legs straight.

He had no room in his locker for them and property would not hold them for him so he had to put them in a clear trash bag <sup>6/19/18</sup> <sub>6/20/18</sub> with his name on it along with a urination container and store them in the Pod #11 medical room. This is where they sat until he was removed from pod #11 on 7-17-18.

X G

10/06/18

(20)

186-1884

10/6/18

Sworn affidavit

This is the sworn affidavit of  
Santiago Sepulveda #212515

I hereby verify that I was here in Pod #11 on 6/18/18 when Phillip Ashdown came into this pod with both of his prosthetic tubes and both of his black foam and velcro leg braces with the metal bars in them that kept his legs straight.

He had no room in his locker for them and property would not hold them for him so he had to put them in a clear trash bag with his name on it along with a urination container and store them in the Pod #11 medical room 6/19/18 - 6/20/18. This is where they sat until he was removed from pod #11 on 7-17-18.

Santiago Sepulveda

10/06/18

DENTON COUNTY DETENTION FACILITY  
INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934

Location Pad # 1 Date Submitted 7-26-18 18G-1418

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

I will file a civil suit against the Denton County Sheriff's Office for violating my pre-trial detainees rights by (1) failing way I do much excessive force on me resulting in permanent physical injury to a disabled person then (2) obstructing justice from me by refusing to allow me to have a police report filed against the D.O.S that assaulted me and Denying me my rights guaranteed to me by the 14th and 8th Amendment to the Texas Constitution and more importantly the Federal U.S. Constitution. I will move forward with my Federal 42 U.S.C. § 1983 lawsuit and request from the Department of Justice, The Mayor, The News stations, my local State Representative, The Attorney General & the D.A. to turn this jail upside down, inside & out to show all the corruption and abuse. P. Ashd

Inmate Signature

Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

No answer ever given

# DENTON COUNTY DETENTION FACILITY INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934

Location Pod # 1 Date Submitted 7/20/18 166-1431

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*My rights to walk around the day room due to medical refusing to let me have shoes on my tubes and taking them away which is resulting in my tubes still being torn up as a violation of my constitutionally protected right to travel safely. Until I asked for a pair of shoes no one had a problem with me walking in my tubes, in fact your D.O.'s encouraged it. I have to God given right to fight for my ability to walk again and you taking my shoes, denying me shoes, breaking my skin/tube, not giving me the same right to walk around the day room (as in Pod # 1) like other people just because I have to do it behind my wheelchair is not legal. My 14<sup>th</sup> Amendment.*

Inmate Signature P. Ashd Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*I will be grievance board member assigned to your housing area indicate that medical stated you are not allowed to walk on the tubes 7/18/18 Sgt Cordell.*

*B) 2nd level response*

*Never answered abandoned  
By Medical & DCSO*

7-22-18

2:10 p.m.

Corporal A. Martin, (after coming to see me earlier and discussing my grievance with me) came and had photographic evidence taken showing my prosthetic tubes and how they were broken by D.C.S.O. staff on

7-17-18 in Unit #11 of D.O.

Boggs and Sgt. Yourley due to reckless mishandeling of them due to failing to follow their own policies and procedures resulting in their loss of their qualified immunity pursuant to the laws of Color of Authority

*Resolved by Sgt Martin my copy*

**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name Phillip Johnson

SO # 48934

Location Pod # 1

Date Submitted 7-18-18

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. **Fold neatly** and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*my constitutional rights  
are being violated concerning my right  
to have due process and equal protection  
of evidentiary securingment that I am to  
be guaranteed pursuant to the 14<sup>th</sup> and  
8<sup>th</sup> Amendment of the U.S. and Texas  
Constitution.*

*The protective stamp tubes were mishandled  
and broken by the D.C.D. staff members  
of D.C.D. and SGT Johnson and it  
resulted in one being broken clean in  
half. I followed your policies and  
procedures by going to Notify D.A. and  
am confirming that told by SGT Johnson,  
Corporal had said now Corporal Shirley.*

Inmate Signature J. Clark

Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*Resolved  
Photos taken by  
SGT Martin in Pod #1  
on 1/22/18.  
1/15/18 as per SGT Martin  
Photos to be subpoenaed  
by Plaintiff for Court.*

# DENTON COUNTY DETENTION FACILITY

## INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934

Location Pod H-11 Date Submitted 7-18-18 ?

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Others walk around the day room and  
multi-stayole rooms in circle waiting  
for the yard to open and no one ever says  
anything to them, yet when I put my tubes  
on and try to walk off of a sudden its  
EXERCISE and am told to wait until the  
yard opens or go outside. I am still  
Waiting for property to receive the orders from  
medical for blue slip on shoes & can sit  
on the bottom of my tubes so when I'm  
walking on the yard my tubes don't get all  
tore up on bottom by the concrete but  
medical has done nothing to make that  
happen and its been a week & I have to

Inmate Signature P. Ashdown Page 1 Of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*Never answered  
abandoned by  
Medical & DCSO*

Exhibit #2

\*D.C.C.H.\*

Denton County Correctional Health

Final

Grievance

Answers

- A) resolved
  - B) hindered
  - C) abandoned
  - D) denied by admin fraud.
- 1st, 8th, &  
14th
- Violations

Exhibit #2

## MEDICAL GRIEVANCES

All jail Medical Grievances will be referred to the Jail Health Department Staff grievance board. The Jail Health Department Staff Grievance Board will determine whether the grievance meets the criteria of a grievance.

The Jail Health Department Staff Grievance Board will, within 15 days of receipt of the complaint by the Grievance Officer, notify the inmate in writing of: the action taken, the reason for the particular action, what, if any, time limits apply to the action, what, if anything, needs to be done by the complaining inmate, or provide an interim response that the matter is being looked into.

If you are not satisfied with the decision of the Jail Health Department Grievance Board, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Chief Medical Officer. To do so you will need to:

1. Submit a written statement electronically on the kiosks in the appeal section, requesting appellate review of the decision together with a reference to the initial grievance dates , times and information.
2. Indicate the specific reasons the inmate believes the decision of the Jail Health Grievance Board should be reversed, giving specific dates, times, names of those involved, and specific allegations.

The Chief Medical Officer will review the grievance appeal and either confirm or deny it. If the Chief Medical Officer confirms the grievance appeal, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 15 days of the initial written appeal.

If you are not satisfied with the decision of the Chief Medical Officer, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Health Director. The Health Director. will review the grievance appeal and either confirm or deny it. If the Health Director confirms the grievance appeal, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 20 days of the second written appeal.

The decision of the Health Director is final in Medical Grievances.

In all cases the final response will be given within 60 days

TO: Health Director

**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name Phillip AshdownSO # 48934Location Pod #11

Date Submitted

10/26/18 18G-1968

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope' seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*Your Chief Medical officers ludicrous answers to my 3 rd level grievance are, yes are completely without any merit. Your Dr. Bullock has not at all used any "Clinical Reasoning" in the decisions he's chosen in my care plan. He has Continually ignored my Numerous Pledges and failings to be seen by him and Continually shown deliberate indifference regarding my Severe "KNOWN" Chronic medical disorder of Familial Progressive Spastic Paraparesis that REQUIRES MEDICATION to control the severe, unpredictable, Chronic spastic shaking fits and Crisis tremors that are caused by my disability and also has caused me to Continually suffer pain and unnecessary wanton Pain & suffering by that deliberate indifference in clearly established Violations of my 8th and 14th Amendment.*

Inmate Signature P. AshPage 1 of 3

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*NO answer given  
Hindered*

*3rd Level Grievance Well.*  
**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name Philip Ashdown SO # 48934

Location Pod #11 Date Submitted 11/09/18 - 186-2047

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*Complete refusal to help me  
clearly stabilized by your blatant deliberate  
indifference to your oath to provide proper care to  
pre-trial detainees in your care and to my serious  
medical needs of prosthethically NECESSARY  
CARE and OBSTACLES, AS REQUESTED.*

*B/L AW TO Prevent HARM. & This will  
be brought my administrative remedies which  
will never be achieved because of your  
illegal & unconstitutional Medical Practice,  
Policies and Procedures & Systems. and I  
will seek Remedy in the United States district  
Court.*

Inmate Signature P. Ashd

Page 3 of 3

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*3rd Level answer -*

*REALLY?*

I have reviewed this grievance from Mr. Ashdown concerning prosthesis fitting. I have also reviewed the electronic medical records in question. After consultation with D. Sanders and Dr. Buchanan, I concur that fittings are not medically necessary for procurement from Denton County. Mr. Ashdown has received thorough and exhaustive clinical care during his incarceration, negating claims of indifference. This grievance is determined to be without merit and is denied.

*FALSE*

Signed,  
Matt Richardson, DrPH, MPH, FACHE  
Director of Public Health

Date: 11-27-18

**DENTON COUNTY DETENTION FACILITY  
INMATE GRIEVANCE FORM**

Name Phillip Shadown SO # 48934

Location Pod # 1 Date Submitted 8/29/18 08-30-18A06:57 ARNV  
Case #18G-1723

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*Your Sopathmic Dr. Billannan has oppega gain wrongfully, (and with intentional deliberate indifference), interfered with my effective pain mgmt regime and has idiosyncratically cut-off my (Yellow) pain management medication under the guise of using baclofen (which is a muscle relaxer) that is supposed to as an alternative, be replacing my Flexeril, muscle relaxer medication (that I had to have to control the severe spastic shaking in my legs (D/T my body pains) that he is hypocritically cut me off off. and is trying to say "the baclofen is to replace the tylorod". This stupid decision has caused me to be in severe unnecessary wanton infliction of pain (Because Baclofen does NOT stop body*

Inmate Signature Cordell

Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that you have a physician directed care plan in place; your allegation of medical indifference is unfounded.

9/5/18 Sgt. Cordell

*No Help*

*Medical  
Grievance  
Handbook  
By  
Cordell*

DENTON COUNTY DETENTION FACILITY  
INMATE GRIEVANCE FORM

Name

Phillip Whidow

SO #

48934

Location

Cell #1

Date Submitted

6/27/18

08-27-18 P02:23 RCVD

Case #18G-1730

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Your nurse Edgar is  
main causing deliberate indifference to my  
serious medical needs by not doing her job and  
submitting my medical refill request after I  
even was forced into a "sick call" that I  
was charged \$12.00 for which I am only  
supposed to have to simply fill out the yellow  
sheet for medication refill at only a 5.00 charge  
on 6-22-18 and then after having me charged  
that \$12.00 she didn't even submit one for the doctor  
she did not get my medication for 5 days now and  
I had to go again to sick call (which I shouldn't have  
for another \$12.00) on Friday 8-24-18 in order to have  
someone actually submit one for the doctor to refill  
my needs of what nurse Edgar failed because this is

Inmate Signature

J. Whidow Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that your allegation of medical indifference regarding Medical Officer Edgar is categorically false. She documented your request for a medication refill on 8/22/18 and properly forwarded it for review and consideration in accordance with departmental policy.

9/5/18 Sgt. Cordell

We did Not file  
Medical  
Grievance  
Amberly  
By Cordell

**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name Phillip AshdownSO # 48934Location Pod # 1Date Submitted 7/28/1818G-1494

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

I did not break my stamp tubes. Your incompetent staff members (O.L.O. Boggs and C.Sgt. Gourley) did so by their reckless mishandeling and I believe intentional damage was caused to try to hinder my ability to keep my H.I. leg & buttock muscles from strap hazing because "Medicel didn't agree with me walking in my tubes", which for the record has been encouraged to me by Algry bat all times, so the tubes came from I did not damage that pipe by walking in it and they were just fine all day on 7-17-18 when I walked in them in the morning (as well as the night before on 7-16-18) And when I took them off and placed them by my locker they were not damaged at all. Then went into the Activity Room to

Inmate Signature T. LikedPage 1 of 2.

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Abandoned  
 By Medicel &  
 DCSO No answer  
 given

Level 3 Flexecill grievance Health Director

DENTON COUNTY DETENTION FACILITY  
INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934

Location DCD Date Submitted 7/28/18 186-1290

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope' seal and submit to Grievance Office. Keep the goldentrod copy for your own records.

I obviously not very knowledgeable for  
because my Flexecill its necessary and has  
been the only thing that effectively controls  
my chronic severe sporadic shaking that is caused  
by neurological disability of Progressive  
SPASTIC paresis that I have had since  
I was 30 yrs old and your doctor Bulannan's  
"moronic" "determination" he claims to have  
made through "Clinical reasoning" is a joke,  
and I S Deliberate Indifference to my  
serious medical needs to have this medication  
EVER since your "Doctor" decided to it  
to me by stating "I'd put it on and keep it on  
as P.R.N. Then two days later I cut it off

Inmate Signature P. Ashdown

Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

I have reviewed your Grievance and request for appeal. My actions and investigation in this case have included: Review of your appeal and attached documentation. Discussion and case review with the Jail Health Administrator, and discussion and case review with Medical Director/Health Authority. My determination is that you have received and are receiving appropriate and responsive care. The chief complaints are being evaluated and treated per medical director and physicians orders. Therefore, your Grievance appeal is denied and your course of care will continue as clinically indicates and appropriate.

8/1/18 Matt Richardson, DR PH, MPH Health Director

Received 8/3/18 Exhausted due to  
abandonment &  
late answer  
No Help

**DENTON COUNTY DETENTION FACILITY  
INMATE GRIEVANCE FORM**

Name

Phillip Ashdown SO # 48934

Location

Pod #11

Date Submitted

7-12-18

186-1338

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Well the "Clinical" reasoning of the designated physician is a false story it causing Violations of your FOIAC of not making an inmate suffer unnecessary and wanton infliction of pain due to denial of proper and effective treatment of a serious neurological medical need unless your policy is, in fact, to harm an inmate in that case they do your policy would be fine but I know better. Also yes you and your deliberately indifferent Dr. Buchanan, and medical supervisor John Kissinger are Violating my Constitutional rights under the 8<sup>th</sup> and 14<sup>th</sup> Amendments to be free from cruel and

Inmate Signature

P-Ashd

Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

abandoned by  
Medical Never  
and worked  
as of 11/15/18

*Emergency Medical Grievance*  
**DENTON COUNTY DETENTION FACILITY**  
**INMATE GRIEVANCE FORM**

Name	Phillip Ashdown	SO #	48934
Location	Pod #11	Date Submitted	6/19/18 06-20-18A11:11 RCVD Case #18G-1300
Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.			
<p><i>Call nurse is strait lying to you. He never answered himself tonight at P.M. med will pass, nor did the D.M. or anyone in my brage and because of it I did not get out of my medication or my needed protein shakes that control my daily blood sugar drops. I was in the day room at 11:11 PM TING for me pass and never seen nor heard him come of do med pass or saws other in the shower at the time, but either why my name was never called. Please take me down to medical to get my needs</i></p>			
Inmate Signature	F. Ashdown	Page	Or

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that this incident is being reviewed to determine if there is a breach of any operational policy regarding medication and disbursement; any such breach will be addressed with the staff members involved.

7/2/18 Sgt. Cordell

*Never addressed or  
answered on time  
for inmate  
admin Remedies  
have not been  
done*

Exhibit # 3

Kites  
Written  
to  
Bank.

Exhibit # 3

~~Plaintiff's help request for attorney  
or refusal to abide by grievance procedures.~~

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

Philly Ashdown

SO #

46934

TIME/DATE

1/15/18

LOCATION

Pod #11

~~ATT~~  
~~COPY~~

Service Request (check below)

- Classification
- Counselor/Programs
- Education Coordinator
- Jail Shift Supervisor
- Law Library
- Medical
- Religious Services
- Property
- Inmate Phone
- Commissary
- Other

Print Request Here (completed by inmate)

I asked you sincerely, to please answer my grievance # 15G-2109 properly (that you mixed up the answers to), and you are Blatantly thru failure to follow your own rules and regulations of grievance procedures outlined in the inmate handbook (See pg #11) flat out denying to answer my grievance thereby unlawfully hindering my ability to, By law exhaust my administrative remedies so I will present to the FEDERAL COURT in my 42 U.S.C. § 1983 lawsuit:

You - in individual capacity - as a New named defendant for violations of my due process & equal protection by the U.S. & TX Court Amendment rights set forth under Chief Clerk and TX Ranger Claire Barnes

and (2) I will present to the Court the fact that exhaustion for grievances # 15G-2109, 15G-1413, 15G-1940 and 15G-7013 are all being denied closure and hindering renders my exhaustion ability.

Sell you in Court!!!

Action Taken

Signature of Officer Taking Action

Date Action Taken

Time

*Attn: Chief Deputy Dockery  
RE: Refusal to abide by grievance procedures.*

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

*Bluff Anderson* SO # *48934* TIME/DATE *1/15/18* LOCATION *Pod #11*

*HHS  
COPY*

Service Request (check below)

 Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Print Request Here (completed by inmate)  
*I asked you sincerely to please answer my grievance #18G-2109 properly that you mixed up the answers to, and you are Blatantly thru failure to follow your own rules and regulations of grievance procedures outlined in the inmate handbook (see pg #11) flat out denying to answer my grievance thereby unlawfully hindering my ability to, By law, exhaust my administrative remedies so I will present to the FEDERAL COURT in my 470 S.C. 69983 Lawsuit:*

*(1) You - individual property - as a New named defendant for violations of my due process & legal Protections 14th A.S. & TX Compt Amendment rights sit alongside Chief Lawyer and TX Ranger Claire Barnes and (2) I will present to the Court the fact that exhaustion for grievance #'s 180-2109, 18G-1413, 18G-1940 and 18G-7013 are all being denied closure and hindrance resolute my exhaustion ability.*

*Sell you in COURT!!!*

**DENIED**

Signature of Officer Taking Action

Chief Deputy Dewayne Dockery

Date Action Taken

11-20-2018

Time

11:03am

## RE: Refusal to abide by grievance procedures.

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

Phillip Oshdown

SQ #

46934

TIME/DATE

11/15/18

LOCATION

Pod #11

Service Request (check below)

 Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Print Request Here (completed by inmate)

I asked you, sincerely, to please answer my Grievance #18G-2109 properly (that you mixed up the answers to), and you are blatantly through failure to follow your own Rules and regulations of Grievance procedures outlined in the inmate Handbook (Seq#11) that out denying to answer my grievance the being unlawfully denying & hindering my ability to "Exhaust my Administrative

Chief deputy locking remedies as required by law" so I will present to the federal court  
 (1) You as a New Named defendant  
 in my 18U5C 5 1983 lawsuit for  
 Violations of my Civil rights at  
 along side of your Staff Lawyer  
 and TX Ranger Barnes. and  
 (2) I will present to the court the fact  
 exhaustion was hindered for  
 grievance #5 18G-2109 18G-1418 18G-  
 1940 and 18G-2013.

Signature of Officer Taking Action

Date Action Taken

Time

See you in Court

(90)

His  
Copy

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

Phillip Ashburn

SO #

48934

TIME/DATE

11/14/18

LOCATION

Pod #11

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

Chief Dockery I sent a grievance  
2nd level (grievance #18G-2109)  
about official oppression from  
a Pod #11 officer's unprofessional  
conduct to jail administrator on  
11/10/18 and you put the inmate  
answer on it except a completely  
different grieved matter of denial  
of my 1st amendment rights to  
equal protection regarding denial of  
your agency to allow me to file an  
assault report of my own on grievance  
Jail administrator #18G-1418-18G-1940-18G-2013.

Action Taken

Please re-answer my grievance  
#18G-2109 with the proper  
~~and~~  
Answer you'll find from that  
grievance 3rd can exhaust.  
(18G-2109)

Thank you.

**DENIED**

Signature of Officer Taking Action

Chief Deputy Dewayne Dockery

Date Action Taken

11-15-2018

Time

1:04pm

(HD)

*Attn: Chief Kaver*

## INMATE REQUEST FORM - GENERAL

## DENTON COUNTY JAIL

## INMATE'S NAME

*Phillip Ashdown*

## SO #

*48934*

## TIME/DATE

*11/6/18*

## LOCATION

*Pod #11*

Service Request (check below)

 Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Print Request Here (completed by inmate)

*I need you to Please  
as you previously offered  
to do, have a Texas  
Ranger come see me as  
to have him take a Police  
Report for me as to uphold  
my rights to equal protection  
guaranteed by the 14th  
Amendment. I have no  
way to reach them  
Thank you*

## Action Taken

*Inmate Ashdown, Texas Ranger Clair Barnes asked me to tell you he has  
looked at video and all reports regarding your allegations. He has decided  
there is no merit to your claim, therefore, he is closing this case.*

## Signature of Officer Taking Action

*Asst. Chief Deputy Barry Caver*

## Date Action Taken

*11-08-2018*

## Time

*4:40pm*

*Attn. Chief Kaver*

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME DATE

LOCATION

Phillip Ashdown

48934

11/06/18

Pod #11

Service Request (check below)

 Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Print Request Here (completed by inmate)

I need you to Please,  
 As you previously offered  
 to do, have a Texas  
 Ranger come see me, as  
 to have him take a Police  
 report for me as to uphold  
 my rights to Equal Protection  
 guaranteed by the 14th  
 Amendment. I have no  
 way to reach them.  
 Thank you.

## Action Taken

Inmate Ashdown, as per your request above, I have contacted Texas Ranger Clair Barnes. I sent him an email on Tuesday, Nov. 6, 2018, at 3:49pm, making him aware of your request. He stated he would attempt to make contact with you on Thursday, after he testifies in court an another case.

Signature of Officer Taking Action Asst. Chief Deputy Barry Caver	Date Action Taken 11-07-2018	Time 8:07am
--	---------------------------------	----------------

NY  
Copy

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Oshlauer	48934	Bed #1	8/28/18

Service Request (check below)	Print Request Here (completed by inmate)
<input type="checkbox"/> Classification <input type="checkbox"/> Counselor/Programs <input type="checkbox"/> Education Coordinator <input type="checkbox"/> Jail Shift Supervisor <input type="checkbox"/> Law Library <input type="checkbox"/> Medical <input type="checkbox"/> Religious Services <input type="checkbox"/> Property <input type="checkbox"/> Inmate Phone <input type="checkbox"/> Commissary <input checked="" type="checkbox"/> Other	<p>Would you please answer my grievance # 18G-1418 4th level that I filed to you on 7/26/18 because the 10 day time limit for your answer is over due and I need to finish exhausting administrative remedies and complete the grievance process so I can move forward with my lawsuit against you and your staff. Thank you.</p>

Action Taken
<i>Never answered</i>

Signature of Officer Taking Action	Date Action Taken	Time

## INMATE REQUEST FORM--GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME DATE

LOCATION

Phillipashdown

48934

3/19/18

P.T. Med #A

MY  
copy  
of  
the  
fileService Request (check  
below)

Print Request Here (completed by inmate)

 Classification

Dear Sheriff Murphy, Can you  
 please finish responding to my  
 4th level grievance # 186-1418  
 that I filed to you on 7-20-18  
 regarding denial of my constitutional  
 rights by your staff so I may  
 proceed forward with my lawsuit  
 against you & your staff. I have  
 to finish the grievance process.

 Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Sheriff

Tracy Murphy

Thank You.

Your 10 day time limit (per your own  
 rules) is up on 8/9/18. Please stop  
 hindering my grievance process.

Action Taken

Never  
answered

Signature of Officer Taking Action

Date Action Taken

Time

All Records Dept.

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Shdown	48934	7/13/18	Pod #11

Sent  
out  
on  
7/13/18

Service Request (check below)	Print Request Here (completed by inmate)
<input checked="" type="checkbox"/> Medical	I need to know, for my lawsuit against Denton County Correctional Health, what nurse was on duty on 3/3/18 on your daytime shift medical department (My medical area).
<input type="checkbox"/> Property	Please provide me that persons name for she is a defendant in my lawsuit.
<input type="checkbox"/> Other	for failure to treat my injuries.

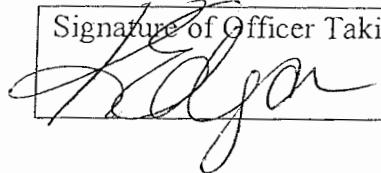
Action Taken	Thank you
<p>There are too many medical offices.        You need to give more information        for us to answer this</p>	

Signature of Officer Taking Action	Date Action Taken	Time
J. Kelly	7/16/18	

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown		48934	7/2/18 Pod #11
Service Request (check below)	Print Request Here (completed by inmate)		
<input checked="" type="checkbox"/> Medical	<p>Please provide me with the address and phone # for Denton County Correctional Health as so I may serve my lawsuit upon the medical department defendants.</p> <p>Thank you.</p>		
<input type="checkbox"/> Property			
<input type="checkbox"/> Other			

Action Taken

This request is not related to your health care. Please request from your attorney or your pod officer

Signature of Officer Taking Action	Date Action Taken	Time
	7-16-18	

## INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME <i>Phillip ashdown</i>	SO # <i>48934</i>	TIME/DATE <i>6/25/18</i>	LOCATION <i>Pod #11</i>
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Service Request (check below)

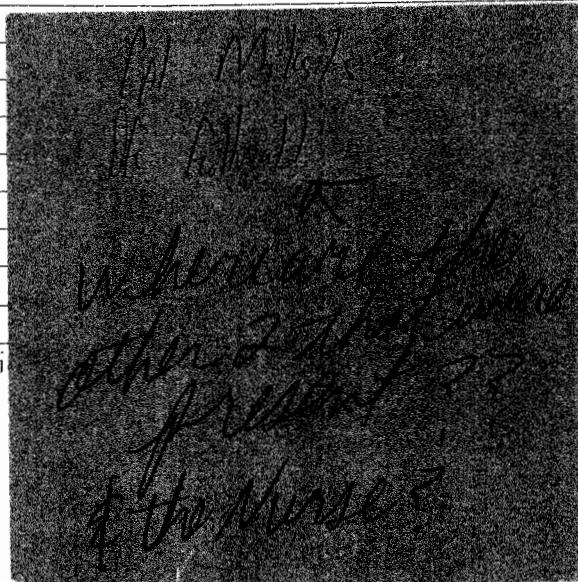
- Classification  
 Counselor/Programs  
 Education Coordinator  
 Jail Shift Supervisor  
 Law Library  
 Medical  
 Religious Services  
 Property  
 Inmate Phone  
 Commissary  
 Other *IT. alambar & Chief Kaver*

Print Request Here (completed by inmate)

*I am respectfully requesting that you both please come down to pod # 11 and together and talk with me, regarding the incident on 3/25/18 involving your D.O. officers (specifically Ethan Keith) and myself at a cell move before things get really out of control, due to failure to communicate. Thank you.*

*I need an internal investigation done & believe we can resolve this matter.*

Action Taken



Signature of Officer Taking Action

# Exhibit #4

Letters written  
to agencies  
to get help in  
upholding my 1st,  
8th & 14th Amendment  
U.S. Const. rights

# Exhibit #4

Jail Staff

Texas Rangers Sent Letter ✓✓  
820 N. Loop 288 2x's  
Denton, TX 76209  
(940) 484-6660

Fox 4 News ✓✓ Sent letter 2x's

KDFW Fox 4 Investigations (Team)

400 N. Griffin St.  
Dallas, TX 75202

(214) 720-3375  
(800) 677-5339

iteam@FoxTV.com

Shaun Rabby

Clarice Tinsley

Shannon Murray

Allison Harkes

Visitation Jail # (940) 349-6500

Denton Record Chronicle

3555 Duchess dr. ✓✓ Sent

Denton, TX 76205 Letter 2x's

WEAA Ch 8 News ✓✓ Sent letter

606 Young st

Dallas, TX 75202

(214) 748-9631

2x's

Ch 5 News Sent Letter ✓✓

Scott Friedman P.O. Box 1780 Fort Worth TX,  
800-232-KXAS 76101

DOf - Dept of Justice  
950 Pennsylvania Ave N.W.  
Washington, D.C. 20530.

United States Court office of the Clerk  
333 Constitution Ave N.W.  
Washington D.C. 20001

Cochran Law firm (Bryant - James)  
3400 Carlisle St. suite 550  
Dallas TX, 75204

F.B.I. Public corruption division  
one justice way ✓ Sent letter  
Dallas TX, 75220  
(972) 559-5000

D.C.S.O. Sheriff's office investigations division  
Michael Tutt - Capt'n Home & exts  
Sgt Oats -

Contact NBC 5 ✓ Sent letter  
4805 Amon Carter Blvd  
Fort Worth TX, 76155  
(800) 232-KXAS

Denton Record Chronicle ✓ Kent  
letter  
3555 Duchess Dr.  
Denton TX, 76205

Fox 4 News ✓  
Shawn Raab, Clarise Tinsley,  
Allison Harris and Dan Goodwin.  
400 N. Griffin St Dallas TX, 75202 ✓ Sent letter ⑦

Dear NBC Ch 5, Investigative Reporters  
Attention: Scott Friedman, Katy Blakley, and  
John Russell, & Larry Collins

My name is Phillip B. Ashdown and I  
am writing you to Please obtain your  
assistance in getting help in receiving  
justice for the unprovoked assault  
against me on 03/07/2018 here at  
the Denton County Jail by detention  
officers <sup>(1)</sup>Ethan Keith, <sup>(2)</sup>Corporal Curly,  
<sup>(3)</sup> Corporal Miksis and <sup>(4)</sup>another D.O.  
named Gothwald.

I am a bi-lateral amputee disabled  
person who has just recently Jan/Feb  
of 2018 had both of my feet &<sup>2</sup> my  
calfs amputated due to frostbite at  
Christmas time and am in a  
wheelchair now.

When I turned myself in to the jail,  
willingly, on 2/28/18 for some accusations  
of debit card abuse I still had the staples  
and stitches in my residual limbs and  
due to the extreme pain I was constantly  
in I could barely move but had good  
balance.

I was being re-housed from the "Tower"  
due to me breaking a window in the  
glass cell I was in while still detoxing  
off of several prescribed drugs, including the

7/13/18  
1/18/18 ①

Dear Fox 4,

Attention: Dan Goodwin, Allison Harris, and Clarise Tinsley:

My name is Phillip B. Ashdown and I am writing you to please obtain your assistance in getting help in receiving justice for the assault against me on 3/2/18 here at Benton County jail by detention officers Ethan Keith, Corporal Curly, Corporal Miksits, and another detention officer named Gothwald.

I am a disabled person who has just recently (in February) had both of my feet amputated due to frostbite at Christmas time and am in a wheelchair now.

When I turned myself in to the jail, willingly, on 2/23/18 for some accusations of debit card abuse I still had the staples and stitches in my residual limbs and due to the extreme pain I was constantly in I could barely move.

I was being re-housed from the "Tower", due to me breaking a window in the cell I was in while detoxing off of several drugs, including the

PL31158  
10/18/18 O

Dear Channel 8,  
Attention, and Investig-  
ations division, please help.  
My name is Phillip B. Ashdown  
and I am writing you to PLEASE  
obtain your assistance in getting  
help in receiving justice for the  
Assault against me on 3/2/18  
here at Benton County jail by  
detention officers other than Keith,  
Corporal Chry, Corporal Miksits,  
an another detention officer named  
Gothwald.

I am a disabled person who has  
just recently (In February) had  
both of my feet amputated due to  
frost bite at Christmas time and am  
in a wheelchair now.

When I turned myself in to the jail  
willingly on 2/28/18 for some accusations  
of debit card abuse I still had the  
staples and stitches in my residual  
limbs and due to the extreme pain  
I was constantly in I could barely  
move.

I was being re-housed from the  
"Tower", due to me breaking a  
window in the cell I was in while  
detoxing off of several drugs, including the

(3)

Norco 10's I was prescribed by my doctors at Presbyterian hospital and Select Rehabilitation hospital here in Denton, when I was ripped out of my wheelchair by several officers and slammed face first on the floor which resulted in my chin being split wide open and my right ear drum partially ruptured to the point my entire shirt was soaked with blood all down the front and right side where I was severely bleeding out of my mouth, chin, and right ear, and nose.

\* All just because as I was being pushed hurriedly out the cell, I yelled for them to stop, and stopped my wheelchair to make sure that they did not forget my residual limb protection tube at the end of the bed, that was unscrewed.

This assault against me by not one, but several, officers was extreme and unnecessary excessive force that resulted in permanent physical

\* There is full video of this on-house taken

injury to a freshly amputated  
disabled person, in a wheelchair!  
I have worked over these last 12  
months to obtain help by the D.C.S.O.  
① Internal affairs dept, ② corporals, ③ Sgts,  
④ LT Alambair, ⑤ Chief Kaver, and ⑥  
have even written the sheriff himself,  
Tracy Murphy, and have been filed  
grievances, and submitted Texts on  
their kiosk for help,\* only to NOT  
receive any response back at all  
from the Sheriff himself, hinderance  
by the jail staff, cover up, lies, and  
ridiculous responses by LT. Alambair,  
grievances, and Chief Kaver.

I have even called my attorney friend  
and requested advice and told to get  
the Texas Rangers involved, which  
I wrote a letter to op. 7-26-18  
as well as the D.A., Paul Johnson, and  
have received absolutely no help at  
all to help me ① file my own  
police/sheriff report for the assault  
against me by D.C.S.O. staff and ②  
have formal charges filed against  
those that were totally unwarranted  
in this assault against me by the

(56)

\* I have all these records if needed.

extreme excessive force used on a person in a wheelchair.

They say in all their "Reports" that they used "appropriate force" but the maximum force needed to completely subdue me would have only simply pin my arms down to the armrests on the wheelchair and I would have been completely immobilized (I have NO feet and only 1/2 of my calves left...).

And I am being charged a <sup>\*3<sup>rd</sup></sup> degree felony for "Spitting" on Ethan Keith at medical where they refused to treat me "medically"!  
 \*See case # F18-1053-211)

The Ranking officials have allowed "their own" Ethan Keith D.O., to have a D.C.S.O. patrol officer to come in off the street and take & file his own police report against me (Report included), which is full of lies, especially the part saying "I fell out of my wheelchair"), but yet I am being denied my 14<sup>th</sup> amendment Constitutional right to Equal

protection of all the laws, and  
have been denied my right to  
have a patrol officer come in  
and take a report from M.E about  
the severe Physical Assault upon  
me by D.C.S.O. staff, & that has  
caused me scarring and permanent  
partial hearing loss in my right  
ear wherefore my jawbone was  
hit upon the floor so hard that  
it damaged my eardrum and  
ear canal and now I can barely  
hear out of my right ear), due to  
their use of extreme excessive  
force used upon a bi-lateral  
amputee in a wheelchair.

Where is the Justice for ME?!!!

Please help me get this story aired  
on FOX 4 so the whole D.H.W. area  
knows about the corruptive  
practices here at D.C.S.O. jail in  
Denton TX so this does not  
EVER happen to someone ever  
again (especially the disabled here  
who are already abused enough by  
the medical dept here already),  
and so I may get help for myself

(6)

By getting the Texas Rangers and  
the Denton county D.A. to come  
① take a police report for me and  
to ② have the D.A. to prosecute those  
officers that did this to me...  
PLEASE HELP ME!!!

I have even written the local  
F.B.I. public corruption division  
(letters enclosed), (D.A.) and (TX Rangers)  
to get help and have Not Received  
Any help at all.

Please help me obtain justice  
for the unlawful assault  
against me.

Thank you.

Please come visit me at  
Denton County jail.

Thank you.

Phillip B. Ashdown #48934  
D.C.S.O. Jail (Pre-trial medical #A)  
127 N. Woodrow Ln  
Denton, TX 76205.

(59)

CAUSE NO.	F10 - 1003	FILED DENTON COUNTY TEXAS 2018 APR 30 PM 3:11	TRN: 9260033268 / A001 <i>201</i>
BOND:	\$5,000.00		PID NO. 33654
DEFENDANT:	PHILLIP ASHDOWN	SHERIFF ADELSTEIN DISTRICT CLERK	SID: TX 06780499 W/M 03/28/1970
CHARGE:	HARASSMENT BY PERSONS IN CERTAIN CORRECTIONAL FACILITIES		
ART:	NONE	SEC: 22.11	CODE: PENAL
CO-DEFENDANT:	NONE WARRANT NO: 18-564981-1		
WITNESS:	J.COATS CONTROL NO: 18-03823		

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the January Term, A.D., 2018, of the District Court of the 16th Judicial District in and for said county and state, upon their oaths, present in and to said Court that PHILLIP ASHDOWN, who is hereinafter styled defendant, on or about the 2nd day of March, 2018 and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there, while imprisoned or confined in the Denton County Jail, a correctional or detention facility, and with intent to assault, harass, or alarm, cause Ethan Keith to contact the blood or saliva of the defendant;

against the peace and dignity of the State.

PAUL JOHNSON  
CRIMINAL DISTRICT ATTORNEY OF  
DENTON COUNTY, TEXAS

*Craig R. C.*  
\_\_\_\_\_  
Foreman of the Grand Jury

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

Before me, the undersigned authority, on this day, personally appeared the undersigned affiant who, after being duly sworn on oath deposes and says that: ASHDOWN, PHILLIP B. W/M 03/28/70, hereinafter styled defendant on or about 03/03/2018 and before the making and filing of this complaint, in the County of Denton of the State of Texas, did then and there commit the act of HARASSMENT OF PUBLIC SERVANT.

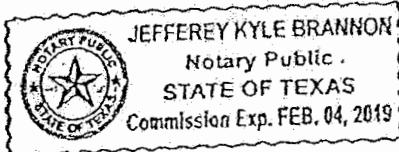
Affiant is Deputy Deputy Joshua D. Vest # 4357, who is a certified peace officer of the Denton County Sheriff's Office, and is currently participating in the investigation of this case. Affiant's probable cause for the above belief is based on the following facts and sources of said facts:

I, Deputy Deputy Joshua D. Vest # 4357, A Deputy, assigned to the Patrol Division, with the Denton County Sheriff's Office, state that On 03/03/2018, Deputy J. Vest was dispatched to an assault report at the Denton County Jail. Upon arrival I met and spoke with the victim Detention Officer Ethan Keith. Officer Keith was wearing his distinct uniform. Officer Keith advised he was assisting with rehousing the defendant. The defendant had broken a window in his cell and had to be moved from that cell. The defendant was being unruly and uncontrollable. ~~The defendant gave orders that he did not comply with~~ The defendant was warned of being tased at one point. The defendant ~~fell out of his wheelchair~~ during the incident. The defendant was injured and blamed the officers for his injuries. Officer Keith assist other officers with getting the defendant back into his wheelchair and to medical to be evaluated. While the defendant was being evaluated he turned to Officer Keith and spit in his face. Officer Keith advised the saliva contained blood. A spit mask was placed on the defendant. The defendant was placed on the bed in Pre-Trial Medical Cell A. *I was refused care!!*

The defendant with the intent to assault, harass, or alarm, while being confined in Denton County Jail, by causing Officer Keith, who was wearing a distinct uniform, contact with blood and saliva, while Officer Keith was lawfully discharging official duty.

Wherefore, premises considered, the Affiant respectfully requests that a warrant issued for the arrest of ASHDOWN, PHILLIP B. W/M 03/28/70 to answer for the  misdemeanor/  felony offense of HARASSMENT OF PUBLIC SERVANT in accordance with the laws in the State of Texas.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.



AFFIANT

SWORN TO AND SUBSCRIBED BEFORE on this 3 day of March, 20 18

PEACE OFFICER: Notary

MAGISTRATE  
DENTON COUNTY, TEXAS

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

On this the 3 day of March, 2018, the undersigned Magistrate hereby acknowledges that said Magistrate has examined the above affidavit and has determined that probable cause exists for the issuance of an arrest warrant for the individual accused of the offense set out therein.

MAGISTRATE, Resy. A. Entz

(61)

8/14/18  
0

Dear Paul Johnson,  
I, Phillip B. Ashdown, am respectfully writing to you, The Head of the D. A.'s office, requesting for justice to be found for me, for the unlawful assault against me, a disabled (bi-lateral amputee) person in a wheelchair, on 3/2/18 by detention officers Rothwald, Keith, Miksits, and Curly, as well as the nurse in medical who failed to treat me.

My chin was completely split open and my larynx was partially ruptured after those officers ripped me out of my wheelchair using extreme excessive force when all I did was stop my wheelchair to tell them that I needed my other residual limb stump table (I was recently amputated that February and still had the staples and stitches in my stumps when I turned myself in on 3/28/18 for unrelated charges I am accused of). When I stopped

(2)

my wheelchair, as they were hurriedly trying to push me out the cell I was Ripped out of my wheelchair, I did not fall out of it. I was then slammed on the floor without cause, (all they had to do to secure me was pin my arms to my chair), face first landing on my chest and face (because my arms were held by an officer each) resulting in my face hitting the floor so hard that my chin was split open and I was bleeding excessively from both my mouth, chin, and my right ear so much that my shirt was soaked in blood.

I was then taken down to the medical dept where the D.O. that was filming all this just said "He is refusing care" which I did not do I just cussed them I was then taken to pre-trial medical #A cell and thrown on the bed where my ~~split~~ open chin

(63)

(3)

slid over the edge of the mattress.  
I was left there, hidden for months  
there and in S-1-E until my  $\frac{1}{2}$   
wounds were scabbed over I healed  
I have not since then been  
able to properly hear out of  
my right ear which has destroyed  
my Perfect Pitch I relied on  
as a professional musician.

I am respectfully requesting  
that formal charges be filed  
against all four defendants and  
the medical nurse who failed  
to help me when I needed emergency  
medical care. Those defendants  
are: Detention officers Ⓛ Ethan Keith  
② Corporal Miksis, Corporal curly Ⓛ  
and Detention officer Gothwald.

I have been denied my constitutional  
rights to Not only due process but  
the Denton County Sheriff's office is  
refusing me any help in allowing  
me to have a patrol officer to  
come in and take a police report  
for the excessive force assault on 3/2/18

(1)

against me, but yet they allowed  
one to be taken for "their people".  
I have tried to go up through  
the chain of command to get  
this report filed so I may pro-  
duce it to you as so to have  
Justice met for me." I have  
been denied, lied to, hindered, and  
even have written letters to the  
Sheriff himself, the Texas Rangers,  
and even the F.B.I. public corruption  
division. I have also kept full  
documentation and have requested  
and received all texts sent to all  
departments showing proof of denial  
of my rights, hindrance, obstruction  
of justice, and cover up. I am  
respectfully requesting that you  
please help me, a tax paying citizen  
of Denton County, to receive the  
Justice I deserve, and that you  
do what of upholding so dearly  
and have formal State jail Felony  
charges for assault by excessive  
force against a disabled person

(5)

and ② Injury to a disabled person (TX Penal Code 22.04) and ③ official oppression charged as well against D.C.S.O. Chief Kaver, and Sheriff Troy Murphy and Lt. Alambar as well (TX Penal code 39.03).

I am trying to avoid having to file a civil rights 42 U.S.C § 1983 lawsuit and have Federal Marshalls come in and take control of your corrupt County jail but I will if I don't have my constitutional rights upheld and protection and justice given to me, but I will and I will win. I have kept every document, paper, even called for outside attorney advice and I am prepared to even get the media involved in this in order to receive the justice I deserve.

Please help me get a formal Police report filed and charges filed against those that have caused me this permanent Physical Injury & scars:

(66)

Thank you. Philly B. Alderson  
#48934

Dear Texas Rangers Investigations Dept,  
My name is Phillip B. Ashdown and  
I need you to come see me at the  
Denton County jail Pod H1. & Help me.

I was told by my private attorney  
Jason Jacoby, to contact you in  
regards to the Cobstruction of Justice  
and denial of my 14<sup>th</sup> Amendment  
rights to equal protection to have  
my own police report filed for the  
excessive force assault against me  
by D.C.S.W. jail staff on 3-2-18

(By the way I am a freshly amputated  
bi-lateral foot amputee) which  
resulted in my chin being split open,  
my eardrum partially ruptured, &  
my back & my neck hurt, but yet  
they allowed one of "their" officers  
to file a report, submit it to the D.P.,  
and have a 3<sup>rd</sup> degree felony filed  
against ME., and Nothing is  
happening to them, though, really ?

Please help me.

I need the Texas Rangers to come  
into this jail and make sure that  
① my rights to due process and  
equal protection are upheld by  
having an officer take a report for  
ME, just as Ethan Keith was allowed

⑦

(63)

to do) and ② expose the acts of obstruction of justice by all the C.I.D. Corporals, Sgts, etc... and ③ help me as an Abused pre-trial detainee inmate get justice for the crimes that have occurred against ME by helping me to get charges filed for Injury to a disabled person (Penal Code 522.04 ②(3)) against ① Ethan Keith D.O. ② Corporal curly-female ③ corporal Miksits, ④ D.O. Gothwald because these crooked officers did NOT have any justification to use the amount of excessive force that they used on me being a bi-lateral trans-tibial amputee with 3 staples still in my residual limbs. All they had to do was pin my arm down onto my wheelchair and I would have been COMPLETELY incapable of ANY type of resistance.

Please come help me  
and take my report.

Thank You,

Philip B. Ashdown.

(63)

7-13-18  
①

Dear F.B.I. Public Corruption dept,  
I, Phillip B. Ashdown, am requesting  
your help in stopping the corruptible  
actions that I am being made  
to suffer at the hands of the  
Denton County Sheriff's office  
Jail personell.

I was assaulted by detention  
officers on 3-3-18 which was a  
result of their excessive force  
used against me during a re-  
house[while I was still in a  
wheelchair with the staples still  
in my legs after my fresh  
Amputation of both my feet]  
which resulted in my being  
ripped out of my wheelchair  
flammed onto the floor face  
first which resulted in unnecessary  
permanent physical injury of my  
chin being split open and my  
eardrum partially ruptured.

I asked the D.T.C.S.O. investigations  
division to have a patrol officer  
come take a police report for  
me as so I could request from

(3)

the Denton County D.A.'s office  
that assault charges could be  
filed against the Detention  
Officers (Just as officer Ethan  
Keith was allowed to do to  
file charges of harassment  
against me), but I was refused.  
I have a 14<sup>th</sup> amendment  
right to due process AND  
equal protection and by law  
am ~~not~~ entitled to be allowed  
to file my own Police report  
as well.

Please help me by opening  
an investigation on this  
matter and help me to get  
an officer (Patrol) from  
D.I.S.O. to file my report  
for me.

Thank you.

Phillip Ashdown

(60)

Exhibit #5

Deliberate  
Indifference

Log record.

Exhibit #5

(8)

## RE: Wheelchair Gloves

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

Phillip Ashdown 48934 11/10/18 Pod #11

SO #

TIME/DATE

LOCATION

Service Request (check below)

 Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Dr. Balaraman

Print Request Here (completed by inmate)

I have waited 2 weeks now for the gloves you said you & John would order for me to stop hand & finger bone pain but still have not gotten them. Your nurses just keep telling me "I don't have any for me ordered". Please order my gloves or just give me more out of my property to use.

As we discussed

Action Taken

You need to write to property to request your gloves.

R Property told me I can't have any gloves out of my property

Signature of Officer Taking Action

Date Action Taken

Time

(72)

INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown.	48934	10/26/18	Pod # 11

Service Request (check below)

- Classification
- Counselor/Programs
- Education Coordinator
- Jail Shift Supervisor
- Law Library
- Medical
- Religious Services
- Property
- Inmate Phone
- Commissary
- Other

attn:  
John Kissenger

Print Request Here (completed by inmate)

I spoke with Chaplain  
Culverer today and  
he said he can not  
do any phone calls  
except when a death  
occurs in the family  
& directed us to talk  
with Captain Rich.  
Can you please ask (and  
will also) if he can help  
me to reach Alan.  
Thank you.

Action Taken

This is not a medical issue.

Signature of Officer Taking Action	Date Action Taken	Time
OM	10/28/18	1302 hrs

INMATE REQUEST FOR GENERAL

INMATE'S NAME

Phillip Ashdown

SO #

48934

TIME/DATE

9/12/18

LOCATION

Pod #11

Their  
Copy

Service Request (check  
below)

Print Request Here (completed by inmate)

Classification

I have an open order Cody DR  
gave me for a 2nd Blanket for  
D leg elevation & someone has  
cancelled it? I still have to  
have the 2nd blanket due to  
engaging, Stump throbbing and  
blood flow issues causing pain.  
Please have Dr. Buranapay  
re-instate my 2<sup>nd</sup> blanket  
order until I leave D.C.S.O. for  
D leg elevation needs and  
D winter warmth on Laundry dates  
to prevent spotsy shaking as I  
always also have had before.

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Action Taken

Thank you.

Your 2nd Blanket order has not been  
stopped according to Chart review.

Attached is a copy of Blanket order

Yes it has been stopped

Signature of Officer Taking Action

Date Action Taken

Time

Edgar LM

9-14-18

(74)

INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown	48934	9/12/18	Pad # N

NY  
Copy  
Service Request (check below)

- Classification  
Counselor/Programs  
Education Coordinator  
Jail Shift Supervisor  
Law Library  
 Medical  
Religious Services  
Property  
Inmate Phone  
Commissary  
Other

Print Request Here (completed by inmate)

I have an open order Cody & Dr. Paul me for a 2<sup>nd</sup> blanket for D leg elevation & someone has cancelled it? I still have to have the 2<sup>nd</sup> blanket due to missing stuff throbbing and blood flow issues causing pain. Please have Dr. Bycardan re-instate my 2<sup>nd</sup> blanket order until I leave D.C.S.O for D leg elevation needs and Winter Warmth on Laundry nites to prevent spastic shaking as I always also have had before

Action Taken

Thank you.

J. Miller  
Answered  
Refer to  
given  
# 150-7207

Signature of Officer Taking Action	Date Action Taken	Time
------------------------------------	-------------------	------

Case 4:19-cv-00099-ALM-CAN Document 3 Filed 01/14/19 Page 1 of 1

<b>INMATE REQUEST FORM—GENERAL</b>		<b>DENTON COUNTY JAIL</b>	
<b>INMATE'S NAME</b>	<b>SO #</b>	<b>TIME/DATE</b>	<b>LOCATION</b>
Phillip Ashdown	48934	8/28/13	Pod #

My  
Copy.

Service Request (check below)		Print Request Here (completed by inmate)
<input type="checkbox"/>	Classification	World you please finish answering my grievance # 15G-1338, 2nd Level I filed to you on 7-12-18 so so I can finish exhausting my administrative remedies and complete the grievance process.
<input type="checkbox"/>	Counselor/Programs	I may be able to proceed forward w/ my lawsuit against you! Thank you.
<input type="checkbox"/>	Education Coordinator	
<input type="checkbox"/>	Jail Shift Supervisor	
<input type="checkbox"/>	Law Library	
<input checked="" type="checkbox"/>	Medical	
<input type="checkbox"/>	Religious Services	
<input type="checkbox"/>	Property	
<input type="checkbox"/>	Inmate Phone	
<input type="checkbox"/>	Commissary	
<input type="checkbox"/>	Other	

Signature of Officer Taking Action	Date Action Taken	Time

MY COPY  
Phillyashdown 48934 8/23/18 P.T.Med #A

Service Request (check below)	Print Request Here (completed by inmate)
<input type="checkbox"/> Classification	Would you please finish answering my medical grievance #186-1338
<input type="checkbox"/> Counselor/Programs	that I filed on 7-12-18
<input type="checkbox"/> Education Coordinator	you have not returned it
<input type="checkbox"/> Jail Shift Supervisor	to me yet & your "10 Day"
<input type="checkbox"/> Law Library	time limit is up (per your
<input checked="" type="checkbox"/> Medical	own rules) and I need
<input type="checkbox"/> Religious Services	to finish the grievance
<input type="checkbox"/> Property	process.
<input type="checkbox"/> Inmate Phone	Thank you.
<input type="checkbox"/> Commissary	
<input type="checkbox"/> Other	

Action Taken
_____ _____ _____ _____ _____ _____ _____ _____ _____

Signature of Officer Taking Action	Date Action Taken	Time
_____ _____ _____	_____ _____ _____	_____ _____ _____

my  
copy

INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown	48934	8/17/18	P.T. Med #18
Service Request (check below)		Print Request Here (completed by inmate)	
<input type="checkbox"/> Classification	<p>Would you please respond to my 2<sup>nd</sup> level grievance # 18G-1494 that I filed on 7/28/18 because your 10 day time limit (Per your own handbook rules) is up and I need to finish the grievance process to file a lit.</p>		
<input type="checkbox"/> Counselor/Programs			
<input type="checkbox"/> Education Coordinator			
<input type="checkbox"/> Jail Shift Supervisor			
<input type="checkbox"/> Law Library			
<input type="checkbox"/> Medical			
<input type="checkbox"/> Religious Services			
<input type="checkbox"/> Property			
<input type="checkbox"/> Inmate Phone			
<input type="checkbox"/> Commissary			
<input checked="" type="checkbox"/> Other			
<p>Grievance Board</p>			

## Grivence Board

Signature of Officer Taking Action	Date Action Taken	Time

78

INMATE'S NAME

Philly Ashdown

SO #

48934

TIME/DATE

8/17/16

LOCATION

P.T. Med #A

My  
CopyService Request (check  
below) Classification Counselor/Programs Education Coordinator Jail Shift Supervisor Law Library Medical Religious Services Property Inmate Phone Commissary Other

Print Request Here. (completed by inmate)

Would you please answer my grievance # 18G-14/31 that I filed my 2<sup>nd</sup> level to on 9/26/16. Your 10 day time limit (Plz your own handbook rules) is up and I need to finish the grievance process.

Thank you.

Grievance board

Action Taken

Never answered

Signature of Officer Taking Action

Date Action Taken

Time

## INMATE REQUEST FORM—GENERAL

## DENTON COUNTY JAIL

INMATE'S NAME

Phillip Ashdown

SO #

48934

TIME/DATE

7/19/18

LOCATION

Pod #1

Service Request (check below)

- Classification  
 Counselor/Programs  
 Education Coordinator  
 Jail Shift Supervisor  
 Law Library  
 Medical  
 Religious Services  
 Property  
 Inmate Phone  
 Commissary  
 Other 5 Sgt

W. Graham

Print Request Here (completed by inmate)

I do not know where you're getting your information regarding photos were taken of my tubes while I was being removed from Pod #11, but that is NOT TRUE, because I got wheeled out of Pod #11 with my tubes in my mattress covers on my lap, so please would you get a camera and come take some evidentiary photos of my brother tubes for evidence records Pursuant to U.S. Const Amend 14th. Thank you.

Action Taken

DENIED. AS STATED BEFORE, PHOTOGRAPHS HAVE ALREADY BEEN TAKEN. THE PHOTOGRAPHS WERE TAKEN ON 7/17/18, BY CPL. DEMERLY, AND ATTACHED TO A JAIL INCIDENT REPORT.

False!!

Signature of Officer Taking Action

RICHARDSON #3185

Date Action Taken

7/19/18

Time

2125 Hours

(60)

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
<i>Phillip Ashdown</i>	<i>48934</i>	<i>7-18-18</i>	<i>Pod #1</i>

Service Request (check below)		Print Request Here (completed by inmate)
<input type="checkbox"/>	Classification	I am being denied my right to gooditary services and proper replacement of personal medical device that was damaged by D.C.S.O. Staff due to reckless and improper handling by both Sgt. Jan Coffey & Lay and now Corp. Shulley. I am requesting that you please have someone come to pod #1 w/a camera and take pictures of my damaged tubes for use of subpoena later.
<input type="checkbox"/>	Counselor/Programs	
<input type="checkbox"/>	Education Coordinator	
<input type="checkbox"/>	Jail Shift Supervisor	
<input type="checkbox"/>	Law Library	
<input type="checkbox"/>	Medical	
<input type="checkbox"/>	Religious Services	
<input type="checkbox"/>	Property	
<input type="checkbox"/>	Inmate Phone	
<input type="checkbox"/>	Commissary	
<input checked="" type="checkbox"/>	Other	
<b>Sgt W. Graham</b>		Thank You.
Action Taken		
PHOTOGRAPHS WERE TAKEN WHEN YOU WERE REMOVED FROM THE POD.		
TAKEN!!		

Signature of Officer Taking Action	Date Action Taken	Time
	7/14/18	14:55 hours

81

~~Exhibit #6~~  
Deliberate  
Indifference

Case Precedence

Exhibit #6  
(82)

## 8th & 14th Amendment Serious Medical Need

Farmer v. Brennan 114 S.Ct 1970

"Serious medical need is defined as a condition that is interfering with a persons activity of daily living that is chronic and painful and acute and continually requires medically effectively to be treated by medical help and medication"

Scalia v. County of Kern 2018 WL 1726616

"The test for determining deliberate indifference of a jail or prison official to a pre-trial detainee's or prisoner's serious medical needs, in violation of the 8th or 14th amendment, is in 2 parts: 1<sup>st</sup>, a plaintiff must show a serious medical need (Neurological disability resulting in Chronic & acute uncontrollable spastic shaking treated by Flexeril) demonstrating that failure to treat a prisoner's condition could result in further significant injury if left untreated, or the ~~Wanton~~ and Wanton infliction of Pain, and 2<sup>nd</sup> must show that the defendant's response to the need was deliberately indifferent"

Infliction of Unnecessary suffering  
Estelle v. Gamble 475. Ct 290

"Infliction of unnecessary suffering on prisoner or pre-trial detainee by failure to treat his medical needs is inconsistent with contemporary standards of decency and violates the 8<sup>th</sup> & 14<sup>th</sup> Amendments"

Farmer v. Brennan 1145. Ct 1970

Dlegg v. Georgia supra at 173 965 Ct at 7925

"We therefore conclude that deliberate indifference to serious medical needs of prisoners constitutes the "unnecessary and wanton infliction of pain proscribed by the 8<sup>th</sup> Amendment"

This is true whether the indifference is manifested by jail or prison doctors in their ineffective response to the prisoner's needs, or by jail or prison staff in intentionally denying or delaying access to EFFECTIVE medical care, or intentionally interfering with the treatment previously (once) prescribed; Regardless of how evidenced, deliberate indifference to a prisoner's serious illness or injury states a cause of action under 42 USC § 1983."

## Failure to treat Estelle v. Gamble 975 ct 285

"Infliction of unnecessary suffering on prisoner or pre-trial detainee by FAILURE TO EFFECTIVELY TREAT his medical needs is inconsistent with contemporary standards of decency and violates the 8th Amendment"

## Failure to provide previously prescribed medication

### White v. Napoleon 397 F.2d 103

"An 8th Amendment Claim does exist when a doctor arbitrarily and maliciously and recklessly interferes with effective modalities of treatment previously prescribed by other physicians, including specialists, even though those modalities of treatment have proven to be satisfactory in alleviating and treating a serious condition or serious medical need effectively especially when patient states that doctors' "alternative treatment" is not at all effective and is resulting in unnecessary/wanton infliction of pain due to doctors Deliberate indifference to Patients Strong medical Need."

Excessive Force  
Case Law Precedence

Exhibit #7

(86)

## Excessive Force

Farmer V. Brennan 1125.CT 1970

"Under 8<sup>th</sup> amendment, jail/prison officials may not use excessive physical force against prisoners or pre-trial detainees and are required to provide humane conditions of confinement, insuring that inmates receive adequate food, clothing, shelter, and medical care, [and must take reasonable measures to guarantee safety of inmates]

"Prison/jail officials 'Deliberate Indifference' to substantial risk of SERIOUS HARM to an inmate Violates Eighth Amendment"

"A jail or prison official may be held liable under the 8<sup>th</sup> amendment for acting with 'deliberate indifference' to inmate health or safety if he knows that inmate faces a substantial risk of SERIOUS HARM and disregards that risk by failing to take reasonable measures to abate it"

"To violate the cruel and unusual

punishments clause, a jail or prison official must have a "Sufficiently culpable state of mind" (115. Ct at 2326).

Hudson v. McMillian 503 U.S. at 6, 112 S.Ct at 998  
"An 8<sup>th</sup> Amendment Claim exists when it is shown that jail/prison officials applied force "Maliciously" for the very purpose of causing harm and knew that harm would occur." Or as the court also \*836 put it, that officials used force with "a knowing willingness that harm occur" (id at 7, 112 S.Ct at 999)

Springfield v. Kibbe 107 S.Ct 1114  
"It is indeed fair to say that acting or failing to act with deliberate indifference to a substantial risk of serious harm to a prisoner/detainee is the equivalent of recklessly disregarding that risk"

Shallow Use of Force Classes  
work long, level  
Basic, intermediate  
advanced.

## Excessive Force

407AC § 705.1003 How is physical abuse defined.

- (2) Physical abuse is defined as any knowing, reckless, or intentional act of or failure to act, including unreasonable confinement, corporal punishment, inappropriate or excessive force, which caused physical injury, death, or emotional harm.

Excessive Force is proven by:

City of San Antonio V. Dunn 796 S.W.2d 258

Significant injury resulting directly and only from the use of force,  
~~excessive to the need; an excessive~~  
use of force was objectively unreasonable

also, temporary loss of use is sufficient to establish "significant injury" element of an excessive force claim

- ② 4th Amendment standard of objective reasonableness must be used 1095.0100a  
104 L.Ed.2d at 450 "can only use enough force to get a person under custody and restraint... the amount of force used had

not been warranted, especially since D 4 detention officers were present and easily could have subdued my arms and had complete control over me while I was still in my wheelchair. D evidence was also sufficient to show that defendants knew that their mistreatment of me was unlawful. (Ryser v. State 453 S.W.3d 17)

③ Use of Excessive force or deadly force to seize a disabled amputee is a violation of the persons constitutional rights unless the officer had true probable cause to believe that the detainee posed a threat of serious physical harm. (U.S.C.A. Const amendment 4) (Escobar v. Harris County 442 S.W.3d (21) It is a matter of objective reasonableness, not subjective belief.

\*\*\* D officers may only use the amount of force that is necessary to effect the purpose of the stop/control or to overcome force used against the officer (Hereford v. State 339 S.W.3d 111)

See also Tx Dept of Public Safety v. Petta "Taking care that the force used is commensurate with the necessity"

30,000 for permanent impairment  
13,000 for deliberal indifference to serious  
medical needs = \$113,000

- ⑤ The evidence is sufficient that the injury was significant, as was due solely to Alonso's objectively unreasonable use of excessive force.
- ⑥ Pursuant to Black v. State 96 TX Crim 56  
"One upon whom an officer made an unprovoked attack had a right to fight back in defense of oneself"
- ⑦ County employees were aware of facts from which an inference of an excessive risk to the prisoner's safety could be drawn, and that the employee actually drew an inference that such potential for harm existed, and that County employees acted with subjective deliberate indifference and that the County can be held liable for this episodic act or omission either by proof of failure to train or supervise or intentional or malicious deliberate indifference to a serious medical need.  
(Rocha v. Potter County 4195.W.3d 371)

Exhibit #8

Official  
Oppression

Statutory Law § 39.03  
(STATE)  
¶

FEDERAL OPPRESSION.  
STATUTORY LAW.

26 U.S.C.A. § 7214

Exhibit #8

(92)

## official oppression

§ 3903

- (2) a public servant acting under color of his/her office or employment commits an offense if he:
- (1) Intentionally subjects another to mistreatment that he knows is unlawful
  - (2) Intentionally subjects another to denial or impediment of the exercise or enjoyment of any right, privilege, power, knowing his/her conduct is unlawful
- CLASS A MISDEMEANOR -

\*Criminal Charge\*

(STATE)

Official Court Reporter No. 3983  
Class A misdemeanor

§ 37.09 Tampering w/ physical evidence

TJ Kill Summary Judgment.

City of Harlingen v. Vega 951 S.W.2d 25,  
Police officers failed to establish, as a  
matter of law, that they acted in  
objectively reasonable manner  
when arresting civil rights

Claimant, as required for entitlement  
to qualified immunity from § 1983  
claim involving use of excessive  
force in connection w/ arrest,  
officers made conclusory state-  
ments that they had applied only  
minimal and necessary force,  
while claimant gave detailed account  
of arrest, alleging conduct which  
would be objectively unreasonable  
if true. (Const Amend 4<sup>th</sup>, 5<sup>th</sup>, 14<sup>th</sup>)

TX Constitution Art 1 § 9

Susp'lt can't be unlawful  
art 1.06 TX Crim Pro Art 1.06.

TX Const art 1 § 19

deprivation of privilege shall not  
be done to a citizen except by due  
course of the law of the land.

Exhibit #9

Culpable  
Mental  
State

Case Law &  
Statutory Law

Exhibit #9  
(93)

TX Penal Code § 6.05 Definitions of Impeachable  
mental states

(D) "A Person acts w/ Criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the Actor's standpoint"

Intentional Conduct

(E) "A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result"

TX Penal Code 6.01

Voluntary act or omission

- (2) "a person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession"
- (B) "Possession is a voluntary act if the possessor knowingly obtains or receives the thing possessed or is aware of his control of the thing for a sufficient time to permit him to terminate his control"
- (C) "a person who omits to perform an act does not commit an offense unless a law as defined by Section 1.07 provides that the omission is an offense or otherwise provides that he has a duty to perform the act"

Exhibit #10

Government & Municipality

Liability  
Case  
Law

Exhibit #10

(98)

## Governmental Liability

(A)

Brazoria County v. Radtke 560 S.W.2d 326

"County was liable in damages for injuries or death proximately caused by negligent acts of deputy sheriff/employee of county under Tort Claims Act on theory that Sheriff is officer of governmental unit who has legal right to control tasks of his employee, even though county itself has no right to control actions of deputy Sheriff."

(B)

Cameron County v. Ortega 291 S.W.3d 495

"Negligence claim against county asserting that Sheriff's officer breached "duty of care" when they applied excessive force (bruises) out of same set of facts pleaded for Plaintiff's claims of bodily injury and offensive contact, which were elements of assault, battery, or any other intentional tort, and, thus fit within exception in Tort Claims Act causing County & officers to lose their protection due to violations of Plaintiff's Constitutional rights," thus waving Sovereign immunity

See also Lytle v. Bexar County 543 F. Supp.2d 63

- ① Downey v. Denton County, Texas 119 F.3d 381  
"County was found Negligent in failing to prevent the assault in violation of 5<sup>th</sup> and 14<sup>th</sup> constitutional amendments"
- ④ "Claim under T.T.C.A. does arise both  
① out of assailants intentional tort and  
② from co-workers (co-defendants) negligence and  
③ co-employee (co-defendants) negligence was cause in fact also of assault and assault was foreseeable
- ⑤ T.T.C.A. Civil Practice and Remedies Code § 101.057(2)  
"County was liable to jail inmate under T.T.C.A. for assault committed in jail by County employee because assault was possible because of ① assailants intentional tort and Co-employee's - co-defendants negligence and failure to stop assault and failure to prevent assault"
- ⑥ Rheuark V Shaw 477 F.Supp 897 (979)  
"County itself may be liable for such actions and constitutional violations by its employees if execution of county government policy or custom inflicts the injury"

## Government Liability

(D)

Graham v. Connor 490 U.S. 386, 395 (1989)

"To overcome the defense of qualified immunity Plaintiff must show (A) an injury (B) that resulted from the use of force that was clearly excessive to the need, and (C) the excessiveness of which was objectively unreasonable"  
See also Rockwell v. Brown 664 F. 3d 985 (2001)

"This resulted as well from Improper training on the use of Force Continuum, and use of force options available to an officer", especially since plaintiff was in a wheelchair

(H)

Taver v. City of Edna 410 F.3d 745, 750 (2005)

"Found that defendants' official conduct violated clearly established statutory or/and constitutional rights (of which a reasonable person would have known) and whether the allegedly violated constitutional rights were clearly established at the time of the incident) and if so whether the conduct of the defendants was objectively unreasonable in light of that then clearly established law

Government Liability

"Clearly established" means that the contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing (ripping a bi-lateral newly amputated disabled person from a wheelchair and slamming them face down on the floor) violates the 8th & 14th Amendment right to be free of excessive force and cruel and unusual punishment. (See Anderson 483 U.S. at 240, and Mally 475 U.S. at 344)

"The Supreme Court has stated that all but the plainly incompetent or those who knowingly violate the law are protected by qualified immunity"

- (I) Thompson v. upshur County TX 245 F.3d 447
- all victim/plaintiff has to do is he must have it determined that he had an alleged violation of clearly established Federal constitutional or federal statutory right against him by defendants if so court must then assess whether defendant's conduct was objectively reasonable in light of clearly established law which a reasonable person would

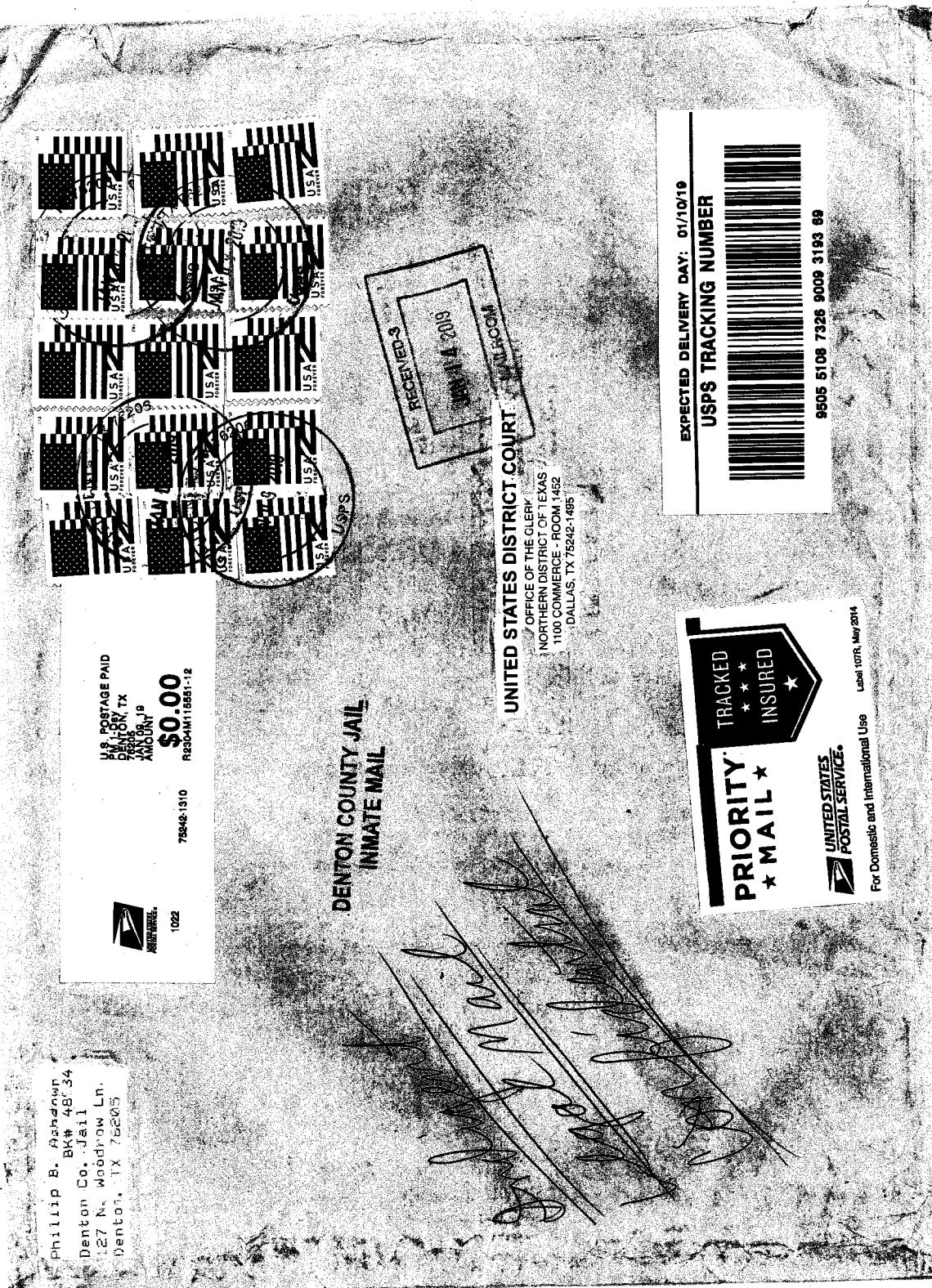
"have known" (See Malley v. Briggs 475  
U.S.

Municipalities

Monell v. Dept of social Services of N.Y  
432 U.S. 658, 98 S.Ct 2018.

Deliberate Indifference  
Estelle v. Gamble 427 S.Ct 285

42 U.S.C § 1983  
28 U.S.C. § 1915(b)(2)



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